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12 Attorneys for Plaintiff, Seth D. Harris,  
13 Acting Secretary, U.S. Department of Labor

14 UNITED STATES DISTRICT COURT FOR THE  
15 NORTHERN DISTRICT OF CALIFORNIA

NC

16 )  
17 ) THOMAS E. PEREZ, ) C 13 3928  
18 ) Secretary of Labor, ) Case No.:  
19 ) United States Department of Labor, )  
20 ) Plaintiff, ) (COMPLAINT FOR VIOLATIONS  
21 ) v. ) OF THE FAIR LABOR STNDARDS  
22 ) ) ACT)  
23 ) BREGY VANCLEVE, an individual; )  
24 ) and DISABLED EMPLOYEES )  
25 ) REHABILITATION, INC., a )  
corporation, )  
Defendants. )  
)

1       1. Plaintiff, THOMAS E. PEREZ, Secretary of Labor, United States  
2 Department of Labor, brings this action to enjoin Defendants BREGY  
3 VANCLEVE, an individual; and DISABLED EMPLOYEES REHABILITATION,  
4 INC., a corporation, (collectively "Defendants") from violating the provisions of  
5 the Fair Labor Standards Act of 1938, as Amended, 29 U.S.C. §§ 201-219,  
6 hereinafter called the Act, pursuant to section 17 of the Act, 29 U.S.C. § 217.

7       2. Jurisdiction: Jurisdiction of this action is conferred upon the Court by  
8 sections 16(c) and 17 of the Act, 29 U.S.C. §§ 216(c) and 217, and 28 U.S.C. §§  
9 1331 and 1345.

10      3. Venue: Venue lies in the United States District Court, Northern  
11 District of California, pursuant to 28 U.S.C. § 1391(b) as a substantial part of the  
12 events giving rise to the claim occurred in San Francisco, San Francisco County,  
13 California.

14      4. Intradistrict Assignment: Assignment of this case should be to the San  
15 Francisco Division of the Court as a substantial part of the events giving rise to the  
16 claim occurred in San Francisco County, California.

17      5. (a) Defendant, DISABLED EMPLOYEES REHABILITATION,  
18 INC., is and at all times hereinafter mentioned was a corporation with an office and  
19 a place of business at 2405 Third St., San Francisco, California 94107, within the  
20 jurisdiction of this Court, and is and at all times hereinafter mentioned was  
21 engaged in assembly, packaging and fulfillment services for client businesses.

22           (b) Defendant, BREGY VANCLEVE, an individual, at all times  
23 hereinafter mentioned acted directly or indirectly in the interest of the corporate  
24 defendant in relation to its employees.

25

1       6. Defendant DISABLED EMPLOYEES REHABILITATION, INC. is  
2 and at all times hereinafter mentioned was engaged in related activities performed  
3 through unified operation or common control for a common business purpose, and  
4 is and at all times hereinafter mentioned was an enterprise within the meaning of  
5 section 3(r) of the Act, 29 U.S.C. § 203(r).

6       7. Defendants, at all times material hereto, have employed employees in  
7 and about the aforesaid place of business in the State of California in producing,  
8 handling, or working on goods, a substantial portion of which were being shipped,  
9 delivered, distributed, transmitted or sold to or from places outside the State of  
10 California or were being shipped, delivered, distributed, transmitted or sold with  
11 knowledge or reason to believe that shipment, delivery, distribution, transmission  
12 or sale to or from places outside the State of California was intended. Said  
13 employees, by reason of their employment as aforesaid, are engaged in commerce  
14 or in the production of goods for commerce within the meaning of the Act. For  
15 example, the individuals listed in Exhibit A worked in the State of California with  
16 goods, including first aid kits, sold in stores throughout the United States.

17       8. Defendants have repeatedly violated the provisions of sections 6 and  
18 15(a)(2) of the Act, 29 U.S.C. §§ 206 and 215(a)(2), by paying many of their  
19 employees wages at rates less than the applicable federal minimum wage in  
20 workweeks when said employees were engaged in commerce and in the production  
21 of goods for commerce within the meaning of the Act.

22       9. During the three-year period immediately preceding the filing of this  
23 complaint and thereafter, defendants willfully violated, and continue to violate, the  
24 aforesaid provisions of the Act. A judgment which enjoins and restrains such  
25 violations is expressly authorized by section 17 of the Act, 29 U.S.C. § 217.

1           **WHEREFORE**, cause having been shown, plaintiff prays for a judgment  
2 against defendants as follows:

3           (a)   For an Order pursuant to section 17 of the Act, 29 U.S.C. § 217,  
4 permanently enjoining and restraining defendants, their officers, agents, servants,  
5 employees, and those persons in active concert or participation with them from  
6 prospectively violating the provisions of section 15 of the Act, 29 U.S.C. § 215;  
7 and

8           (b)   For an Order

9               (1)   pursuant to section 16(c) of the Act, 29 U.S.C. § 216(c), finding  
10 defendants liable for unpaid minimum wage compensation due defendants'  
11 employees and for liquidated damages equal in amount to the unpaid compensation  
12 found due Defendants' employees listed in the attached Exhibit A during the three-  
13 year period immediately preceding the filing of this complaint and thereafter  
14 (additional back wages and liquidated damages may be owed to certain employees  
15 presently unknown to plaintiff for the period covered by this complaint); or in the  
16 event liquidated damages are not awarded;

17               (2)   pursuant to section 17 of the Act, 29 U.S.C. § 217, enjoining  
18 and restraining defendants, their officers, agents, servants, employees and those  
19 persons in active concert or participation with defendants, from withholding  
20 payment of unpaid back wages found to be due defendants' employees during the  
21 three-year period immediately preceding the filing of this complaint and thereafter  
22 and pre-judgment interest at an appropriate interest rate; and

23               (c)   For an Order awarding plaintiff the costs of this action; and

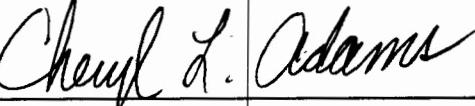
24               (d)   For an Order granting such other and further relief as may be  
25 necessary or appropriate.

1 Dated: August 23, 2013

M. PATRICIA SMITH  
Solicitor of Labor

3 JANET M. HEROLD  
Regional Solicitor

4 By:

5   
6 CHERYL L. ADAMS  
Senior Trial Attorney

7  
8 UNITED STATES  
9 DEPARTMENT OF LABOR  
10 Attorneys for the Plaintiff

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1 EXHIBIT A  
2 Hilton R. Chang  
3 Chiu Man Cheung  
4 Dan Giang  
5 Deyi Li  
6 Yu Yan Lowe  
7 Kit-Hung Lau Pang  
8 Yu-Mei Zhou  
9 Kwok Wai-Kuen  
10 Jason G. Liu  
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